

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DONALD E. LITTLE,

Plaintiff,

v.

SKF Sverige AB, *et al.*,

Defendants.

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CIVIL ACTION H-13-1760

ORDER

Pending before the court are (1) the Magistrate Judge's Memorandum and Recommendation (Dkt. 37) (hereinafter "M&R") recommending that Defendants SKF Sverige AB and SKF International AB's Motion to Dismiss (Dkt. 19) and Defendant SKF USA Inc.'s Motion to Dismiss (Dkt. 27) be GRANTED; and (2) a motion to amend filed by Plaintiff Donald E. Little (Dkt. 41). After considering the M&R, motions, related filings, and applicable law, the court is of the opinion that the M&R should be ADOPTED and the motion to amend should be DENIED.

I. M&R

With regard to the M&R, neither Defendants nor Plaintiff Donald E. Little filed objections to the M&R. The court finds that the M&R is well reasoned and accurately concludes (1) that the court cannot exercise general or specific jurisdiction over SKF Sverige AB and SKF International, and (2) that Little failed to allege facts sufficient to state a claim against SKF USA Inc. for misappropriation of trade secrets, defamation, and fraud. The M&R therefore is ADOPTED in its entirety. Little's claims against SKF Sverige AB and SKF International AB are hereby DISMISSED for lack of personal jurisdiction. Little's claims against SKF USA Inc. are hereby DISMISSED WITH PREJUDICE for failure to state a claim.


II. MOTION TO AMEND

Subsequent to the M&R, Little filed a motion to amend. Dkt. 41. The court has reviewed the proposed third amended complaint and finds that allowing amendment would be futile, as the proposed third amended complaint does not adequately correct the deficiencies noted in the M&R.¹ *See* Dkt. 41-1. Accordingly, Little's motion to amend (Dkt. 41) is DENIED.

III. CONCLUSION

Little's motion to amend (Dkt. 41) is DENIED. The M&R (Dkt. 37) is ADOPTED in its entirety. Little's claims against SKF Sverige AB and SKF International AB are hereby DISMISSED for lack of personal jurisdiction. Little's claims against SKF USA Inc. are hereby DISMISSED WITH PREJUDICE for failure to state a claim. Since the SKF Sverige AB, SKF International AB, and SKF USA Inc. are the only defendants Little has served in this lawsuit, the court will enter a final judgment concurrently with this order.

Signed at Houston, Texas on February 24, 2014.



Gray H. Miller
United States District Judge

¹ Little attempts to assert the “who, what, when, where, and how of the alleged fraud” in his amended pleading. *See* Dkt. 37 (M&R) (noting that Little offered “only a conclusory statement in support of his fraud claim” and thus failed to satisfy the elements of fraud); Dkt. 41-1 (proposed third amended complaint) (specifically discussing facts under the headings “who, what, when, where, how, and why”). However, while Little presents facts that could satisfy the questions, who, what, when, where, how, and why, the alleged facts fail to come together in a cohesive fashion to actually satisfy the elements of a fraud cause of action.